

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
Civil Action No. 1:18-cv-00282**

LEGACY 73 SIGNS, LLC, on the
authority of its member-managers, David
M. Smith and Jamie M. Smith,
Plaintiff

Plaintiff,

v.

GERALD LIPSCOMB, individually and
d/b/a Shytle Sign and Lighting Services,
LLC,

GARY DEAN SHYTLE, individually and
as member, co-owner and operator of
Shytle Sign and Lighting Services, LLC,
and

SHYTLE SIGN AND LIGHTING
SERVICES, LLC,

Defendants.

**LEGACY 73 SIGNS, LLC's
MOTION FOR SUMMARY
JUDGMENT**

NOW COMES the Plaintiff LEGACY 73 SIGNS, LLC (“Plaintiff”) on the instruction of its member-managers David M. Smith and Jamie M. Smith, by and through undersigned counsel, and pursuant to Rule 56 of the Federal Rules of Civil Procedure, respectfully moves that this Court enter an Order granting summary judgment in its favor. More specifically, Legacy moves for summary judgment in favor of all its claims it has brought against the Defendants, GERALD LIPSCOMB

(“Lipscomb”), GARY DEAN SHYTLE, and SHYTLE SIGN AND LIGHTING SERVICES, LLC and against the counterclaim brought by Lipscomb against Legacy.

In support of this Motion, Plaintiff concurrently files a supporting Memorandum, which includes a Statement of Undisputed Material Facts, Declaration of Jamie M. Smith, and accompanying Exhibits A through G.

For reasons set forth more fully in the supporting Memorandum filed concurrently herewith, Plaintiff contends that there is no genuine issue as to any material fact and that it is entitled to judgment as a matter of law with respect to each its causes of action against Defendants in the complaint and against Lipscomb’s counterclaim against Plaintiff in the answer.

Plaintiff respectfully requests that the Court grant relief in the form of: 1) a judgment in Plaintiff’s favor as to liability for each and every cause of action listed in the Complaint; 2) a dismissal of Defendant Lipscomb’s remaining counterclaim; and 3) a trial on compensatory and punitive damages.

This is the 14th day of November 2022.

SEIFERFLATOW, PLLC

/s/Mathew E. Flatow

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **MOTION FOR SUMMARY JUDGMENT** was electronically filed on November 14, 2022, with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties indicated on the electronic filing receipt. The parties served are as follows:

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This the 14th day of November 2022.

/s/Mathew E. Flatow
Mathew E. Flatow